

REMARKS/ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 103(a) Rejections

Examiner rejected claims 1, 2, 4-8, 11-16, 18-21, and 23-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,421,707 (hereinafter “Miller”) in view of U.S. Patent 6,157,924 (hereinafter “Austin”).

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

As amended, applicant’s independent claims include claim limitations that are not disclosed nor suggested by Miller in view of Austin. Therefore, applicant’s independent claims are patentable over Miller in view of Austin.

In particular, applicant’s independent claims include the limitation, or limitation similar thereto, of:

in response to receiving a new email, determining, per a user profile database, if the new email matches a predetermined criterion of when to send notice of a new email to a user’s cellular phone;

generating a customized notice of the new email per the user profile database;

if the user's cellular phone uses Global System for Mobiles, sending the customized notice of the new email via a Short Messaging Service ("SMS"); and

if the user's cellular phone does not use GSM, sending the customized notice of the new email via a Simple Mail Transfer Protocol.

Applicant's independent claims include claim limitations that are not disclosed nor suggested by Miller in view of Austin. Therefore, applicant's independent claims are patentable over Miller in view of Austin.

Furthermore, the remaining claims depend from at least one of the independent claims discussed above, and therefore include the distinguishing limitations of the independent claims. As a result, applicant's remaining claims are also patentable over Miller in view of Austin.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

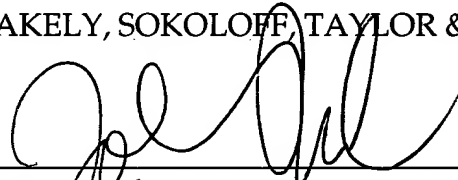
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _____

6/28/04



John P. Ward
Reg. No. 40,216

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300